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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,997	06/01/2001	Peter A. Rothschild	0002-0100.21	5249

7590 06/17/2005

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/871,997	Applicant(s) ROTHSCHILD ET AL.	
	Examiner Mohammad A. Siddiqi	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 17-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/02/01, 11/02/01, 02/11/04</u> | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

1. Claims 1-16 are presented for examination. Claims 17-50 have been withdrawn from the consideration.

***Election/Restriction***

2. Applicant's election without traverse of 1-16 of group I in the reply filed on 02/01/2005 is acknowledged.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-4, 6-10, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Brackett et al. (6,519,632) (hereinafter Brackett) .

5. As per claim 1, Brackett discloses a medical image electronic package for an object relating to an electronic image comprising (DICOM storage objects, col 5, lines 20-26):

a message including a header and an object file attached to said message (DICOM-formatted objects, col 6, lines 18-28), said object file comprising an electronic file relating to an image and identifying information uniquely identifying the electronic image (col 6, lines 18-28, DICOM-formatted object also comprising image),

said header comprising a destination identifier (col 6, lines 18-28, remote device destined to receive DICOM object), an origination identifier and an attachment identifier (inherent in DICOM standard, col 6, lines 18-28), wherein said attachment identifier comprises an object type identifier configured to identify the type of object file attached to said message and a portion of said identifying information (elements of fig 7, col 13, lines 47-59), wherein said portion of said identifying information is extracted from said object file (col 14, lines 25-37).

6. As per claim 2, Brackett discloses object file comprises DICOM image file and wherein said identifying information comprises an image unique identifier, and wherein said portion of said identifying information comprises said image unique identifier (elements of fig 7, describes data structure and

clearly teaches image is uniquely identifiable, col 14, lines 30-37, attributes of DICOM object).

7. As per claim 3, Brackett discloses object file comprises an overlay annotation file and wherein said identifying information comprises an image unique identifier corresponding to an image file associated with said overlay annotation file, and wherein said portion of said identifying information comprises a unique overlay file identifier and said image unique identifier corresponding to said image file associated with said overlay annotation file (elements of fig 7, col 4, lines 25-36, DICOM object includes patient name and identification)..

8. As per claim 4, Brackett discloses image forms at least in part a study, wherein said object file comprises a report associated with the study and wherein said identifying information comprises an study unique identifier corresponding to an study associated with said report, and wherein said portion of said identifying information comprises a unique report identifier and said study unique identifier corresponding to said study associated with said report (col 10, lines 56-67, Study Instance UID, DICOM standards supports as it explained in background of the invention).

9. As per claims 6-9, claims are rejected for the same reasons as claims 1-4, above.

10. As per claim 10, the claim is rejected for the same reasons as claim 1, above.

11. The method of claim 10 wherein said message is an email message, and further comprising the step of sending the message by way of SMTP.

12. As per claim 12, the claim is rejected for the same reasons as claims 10 and 2, above.

13. As per claim 13, the claim is rejected for the same reasons as claims 10 and 3, above.

14. As per claim 14, the claim is rejected for the same reasons as claims 10 and 4 above.

15. As per claim 15, the claim is rejected for the same reasons as claim 1, above.

16. As per claim 16, the claim is rejected for the same reasons as claims 10 and 2 above.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brackett et al. (6,519,632) (hereinafter Brackett) in view of Killcommons et al. (6,424,996) (hereinafter Killcommons).

19. As per claims 5 and 11, Brackett fails to disclose message is formatted for transmission by SMTP. However Killcommons discloses message is formatted for transmission by SMTP (col 4, lines 1-3, e-mail package). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Brackett and Killcommons. The motivation would have send medical image data in the form of the e-mail package to the remote unit.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6260021

U.S. Patent 6618060

U.S. Patent 6839762

U.S. Patent 6694509

U.S. Patent 6839762

U.S. Patent 5630101

U.S. Patent 6574742

DICOM Cook Book or implementation in modalities, Version 1.1, January 14, 1997, Philips medical System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

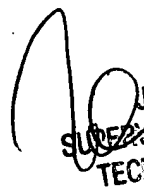
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-



3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100